

In THE UNITED STATES District courts
For the Eastern District OF WISCONSIN:

GLEN R. JEFFERY JR

- PLAINTIFF,

COMPLAINT

Civil Action NO. _____

v

Captain Sobek, Deputy Cannon, Admin. capt. Dittberner, Deputy Insp. Aaron Olson, CO Gilberto Fernandez-Rosa, CO Michael James, Kimberly Neal, Marisol Rodriguez, Capt. Paul Thompson, Rebecca Ehmman, Kimberly Johnson, Jessica Kromray, Derrick Murray, Tnez Nash, Cheyenne Sarasin, Candice Anderson, Jeff Andrykowski, Christopher Brendemuehl, RN Candace Dziedzic, ^{RN} Susie Alatorre, RN Tina Brossow, RN Mai Bruno, RN Brandon Decker, RN Laura Klanderman, Laurie Resch RN, RN Brittany Wysocki, Deputy Nichole Trotman Deputy Serena Smith And Deputy Steven Turner: - Defendants

CIVIL RIGHTS ACT COMPLAINT FILED UNDER 42 USC 1983

I. JURISDICTION & VENUE:

1. This is a Civil Action Authorized by 42 U.S.C. section 1983 to redress the deprivation, under color of State law, of rights secured by the Constitution of the United States. The court has Jurisdiction under 28 U.S.C section 1331 And 1343 (a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. section 2201 and 2202. Plaintiff's claims for injunctive relief are Authorized by 28 U.S.C section 2283 And 2284 And Rule 65 of the Federal Rules of Civil procedures.

2. The United States District court for the Eastern district of Wisconsin is an appropriate venue under 28 U.S.C section 1391(b)(2) because it is where the events giving rise to this claim occurred.

II. Plaintiff's:

3. Plaintiff, Glen R. Jeffery-Jr., is a Person who is currently serving a lawful conviction in the Wisconsin Department of Corrections, and is currently assigned at the Waupun Correctional Institution located in Waupun Wisconsin. Plaintiff appears in this matter pro se, without counsel and sues The Milwaukee County Sheriff's Office, as Plaintiff was a pretrial detainee when facts in claim arose.

III. Defendants:

4. Defendants Milwaukee County Sheriff's Office Deputies, Deputy Inspector Aaron Dobson, Admin. Captain Daniel Dittbourn, Captain Scott Sobek, Captain Paul Thompson; Deputies, Gilberto Fernandez-Rosa, Micheal James, Kimberly Neal, Marisol Rodriguez, Rebecca Ehrmann, Kimberly Johnson, Jessica Kromray, Derrick Murny, Inez Nash, Cheyenne Sarasin, Candice Anderson, Jeff Andrykowski, Christopher Brendemuehl, Nichole Trotman, Serena Smith, Steven Turner, Nurses, Candace Dziedzic, Susie Alatorre, Tina Brussow, Mai Bruno, Brandon Decker, Laura Klanderman, Laurie Resch, Brittany Wysocki.

5. Each Defendant named above are all officials who work and/or at the time of this claim, worked for the Milwaukee County Sheriff's Office, as either an administrative, security, deputy, or medical personnel and was responsible for the welfare, safety, and health of the plaintiff.

6. Each Defendant is sued individually and in his or her official capacity. At all times mentioned in this complaint each defendant acted under color of state law.

IV. FACTS:

7. On February 21, 2019 Plaintiff Jeffery Jr, was being held in the Milwaukee Sheriff's Office as a Pre Trial Detainee.

8. Plaintiff was housed in the Milwaukee County Sheriff's Office (M.C.S.O) on the 6 Floor subpod B cell No. 13 (6.B. #13), when the Pod was locked down due to actions unrelated to the plaintiff.

9. Plaintiff knocked on his cell window to alert Captain Sobek, that Plaintiff was having "suicidal and homicidal" Ideations, And that plaintiff needed to talk to a Psychological social worker (P.S.W.) Immediately. Captain Sobek told the plaintiff "No I am not calling the Psw your okay" Plaintiff expressed that he in his cellmate was having problems and were on the verge of fighting. Defendant Sobek state "No your not". Plaintiff then felt the presence of his cellmate behind him turned around and seen his cellmate Advancing, And then felt his cellmate strike him in his upper chest cavity.

10. Plaintiff then Grabed his cellmate by the head, Plaintiff then Smashed his cellmate head into the wall, turned him around so that they both were Facing the Door. Plaintiff then began to try and brake And snap his cellmates neck, to defeat the threat of his cellmate continuous Assault, on Plaintiff.

11. Defendant Sobek, Fernandez-Rosa, Rodriguez, Neal, Approached Plaintiff's cell instructing plaintiff to release his cellmate. Plaintiff then stated "No", im not About to let dude go so we continue to fight. his blood is gone be on your hands Now Sobek."

12. Defendants Deputy Insp. Aaron Dobson, Admin. Capt. Pittburren, Capt. Sobek, LCO Mummy, CO Cannon, CO James, CO Fernandez-Rosa, CO Anderson, CO Johnson, CO Nash, CO Rodriguez. Then came to Plaintiff's

Cell And gave orders for plaintiff to "let go of his cell mate," Plaintiff refused orders in fear that if he released his cell mate a physical altercation could take place.

13. Defendants DC Dobson, And Admin. capt. Dittbeamer, gave a directive to open up the door, And Immediately use OC, Oleoresin Capsicum on Plaintiff. The cell Door was opened And CO Cannon Immediately began spraying Plaintiff in his Face With the OC While having requisite knowledge that plaintiff suffers from a respiratory defect "Asthma".

14. Plaintiff Immediately released his cellmate reached out to stop the continuous spray of O.C. To his Face Grabbed And broke the canister And prepared to comply with being restrained.

15. Upon Information And belief, Defendant capt. Sobek, then pulled his taser gun Aimed it At the side back of Plaintiff's head With his M-Faced beam And tactical light Affixed on Plaintiff's Right back-side of his head, And Fired, Causing An electronic combust Expelling two (2) Prongs Attached to Electrode leads that Administered 50,000 Volts of Electricity into Plaintiff's head And Artery on Plaintiff Right Forearm.

16. Prior to this incident Captain Sobek, had requisite knowledge that Plaintiff was epileptic And have An unspecified seizer disorder, And use of A Taser was more likely to involve Plaintiff's seizer disorder.

17. Upon Information And belief, Plaintiff went into multiple, And /or repetitive Seizers causing Plaintiff to convulse. While Plaintiff was having these multiple/repetitive Seizers rendering Plaintiff unconscious Defendants, LCO mummy, CO James, CO Rodriguez, CO Andrykowski, C.O Kromm, CO. Sarasin, And CO Ehrmann instead of rendering that

Plaintiff was having multiple repetitive seizures and acknowledging the ~~fact~~ physiological signs that Plaintiff was seizing the Defendants used force to place Plaintiff's hands behind his back and into hand cuffs, also holding Plaintiff on his stomach pulling his legs straight to be placed into mechanical leg irons. Deliberately disregarding the serious risk of harm to the Plaintiff.

18. Upon information and belief, while Plaintiff was on the ground seizing RO Mai Bruno "attempted" to give Plaintiff medical attention, that consisted of O.C. After care and Taser After care that was unsuccessful due to Plaintiff having multiple seizures that the Defendants termed as "Resisting" while restraining the Plaintiff on the floor Leo Murray then requested ~~for~~ a wheelchair. Defendant Trofman brought in a wheelchair due to Plaintiff being unconscious and still seizing, for Plaintiff to be transferred to the 6 floor control area where Plaintiff was to be evaluated by Nurse Practitioner Brandon Decker, at that point the Milwaukee Fire Department was in the 6B pod.

19. ~~Upon information and belief~~ Defendant Decker ~~after~~ belief, Defendant Decker then made the determination that the Plaintiff needed to be taken to the hospital due to Plaintiff seizing, being unconscious and to have the Taser prong surgically removed from Plaintiff's head due to it being fished hooked through Plaintiff's skull bone.

20. Plaintiff became conscious unable to breathe due to there being O.C. spray caked onto his face and Plaintiff being asthmatic Plaintiff began to freak out yelling "I can't breathe" repetitively between gulps of air. Defendant Admin. Capt. Dittburner chose to place an oxygen mask onto Plaintiff's face covering over the caked on O.C. spray, covering the Plaintiff's nose and mouth.

holding, pressing it tightly to plaintiff's face forcing plaintiff to inhale more O.C. with pure oxygen, Adversely causing plaintiff to go into a respiratory shock, rendering plaintiff to unconscious. Again.

21. Plaintiff then again regain consciousness and immediately began to experience the same suffocating feeling and began yelling "I can't breathe" repetitiously. Defendant Dittburner again forced the same oxygen mask over my nose and mouth pressed tightly and caused plaintiff to again undergo a respiratory shock rendering plaintiff unconscious.

22. Plaintiff again regain consciousness and was covered by EMS to Fredrick Memorial Hospital to undergo CAT scans and to have the taser prong surgically removed from the back of his head.

23. At all relevant times the plaintiff was a Pretrial Detainee.

VI EXHAUSTION OF ADMINISTRATIVE Remedies:

24. Plaintiff, Glen R. Jeffery Jr., used the M.C.S.O grievance procedure available at the Milwaukee County Sheriff's Office to try and solve the problem. On February 24, 2019 at 1:30 pm, and on February 27, 2019, Plaintiff filed two subsequent grievances presenting the facts relating to this complaint [see: Attachments #1 & 2]. Plaintiff to date, has not received a response to his complaints and was moved from the M.C.S.O to Dodge Correctional 26 days later. Therefore the sake of exhaustion, that requirement shall be deemed to be fully exhausted as the Defendants refused to investigate into the plaintiff's complaint, and respond.

VI. LEGAL Claims:

25. Plaintiff reallege and incorporate by reference Paragraphs 1-24.

26. Defendants Scott Sobek, And Dittlamer, use of Excessive Force when Defendant Sobek Intentionally Aimed his Taser Gun At the Plaintiff's Back side of his head, when the plaintiff was OF NO Direct threat to Defendant Sobek to where he did not have to use "life threatening" or "reckless Disregard" for my safety that caused Great bodily harm.

27. From the Actions of Defendant Sobek reckless disregard And Wanton Infliction of pain that was A direct equivalent to the use of A Death Penalty "Electric Chair," caused me to under go Severe migraines, increased Epileptic Seizer Activity, Short Functioning to my nerves And consistent pain from skull Fragments under my skin when the Taser prong chipped And cracked my skull.

28. The Defendants showed A reckless disregard for the Plaintiff's Health And safety, OF A serious Known medical condition showing A Deliberate indifference to the Plaintiff, by forcing the Plaintiff unto his stomach, Forcing his arms behind his back, then handcuffing him, Forcing plaintiff's Feet to straighten so that mechanical leg irons could be placed on to me, All while disregarding that I was having repetitious seizures, by terming that I was "Resisting" due to my involuntary Nerve/muscle convulsing

29. The Actions of the Defendants cause Severe lacerations to the plaintiff's wrist, And Ankles, plaintiff has been diagnosed with carpal And tarsal tunnel to both my Right And Left Hands, And Nerve damage to my Feet due directly from the improper And reckless Applications of the mechanical Restraints being forced upon

my seizing body, causing A wanton infliction of Permanent damage,

30. Defendant Dittburner Excessive Force And deliberate indifference to the Plaintiff's health and safety when Defendant Dittburner chose to Apply An pure oxygen mask to plaintiff's Face that was caked up with O.C spray until plaintiff suffocated And went into respiratory shock, on two separate occasions, causing plaintiff the mental belief that he was going to be killed in cold blood, sadistically, by suffocation.

31. The Excessive use of force, ~~taser~~ing the plaintiff in the Back Side of head his head, The Deliberate indifference to plaintiff's serious known Medical condition of Epilepsy while plaintiff was having repetitious Seizers denial of proper medical treatment and Forcing plaintiff in to Mechanical restraints, showing A reckless disregard to the plaintiff health and safety completely disregarding plaintiff having seizures. The excessive force and cruel and unusual punishments used on the Plaintiff by Admin. Capt. Dittburner Intentionally using the pure oxygen mask connected to A pure Oxygen tank to Force the plaintiff to inhale And suffocate off of the ~~oc~~ O.C spray. The Plaintiff's Fourteenth Amendment U.S.C. Rights were Violated by the Defendants, Constituting A Due process Violation of cruel And unusual punishments.

32. The Plaintiff has no Plain, Adequate or complete remedy At law to redress the wrongs described herein. Plaintiff has been And will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and inductive relief which Plaintiff seeks.

VII. Prayer For Relief:

WHEREFORE, plaintiff respectfully prays that this court enter judgment granting plaintiffs:

33. A Declaration that the Acts and omissions described herein Violated plaintiff's rights under the Constitution of the United States And Laws.

34. A Preliminary ~~injunction~~ And permanent injunction ordering defendants to undergo proper use of Taser Gun training And that defendants cannot use A Taser on A pretrial Detainee's, or Prisoner's head under no circumstances.

35. Compensatory damages in the Amount of \$10,000,000.00 USD Against each defendant in their official And individual capacities, Jointly And Separately.

36. Punitive Damages in the Amount of \$150,000.00 against each defendant in their official And individual capacities.

37. A Trial by Jury on All Issues Triable by Jury.

38. Plaintiff's cost in this suit.

39. Any Additional relief this court deems just, Proper, And Equitable.

Dated: this 27th day of January, 2022

Respectfully Submitted by:
Glen R. Jeffery Jr.
Glen R. Jeffery Jr.

Cc: Address:
% Waupun Correctional Institution
P.O. Box #351
Waupun, WI. 53963-0351

VERIFICATION AND DECLARATION:

I have read the foregoing complaint and hereby verify and declare that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I declare under penalty of perjury

Executed in Waupun, Wisconsin on 27 January, 2022

Glen R. Jeffery Jr.
Glen R. Jeffery Jr.
Prose Plaintiff

FILE NO. _____
PART IMILWAUKEE COUNTY JAIL
INMATE GRIEVANCE FORM

INSTRUCTIONS: PART I (for the Inmate) PART II: (for the Deputy)

Inmate must state the names of the person(s) involved, when describing the nature of the problem.
Inmate must return the Grievance to the Deputy involved for a response.

LAST NAME <i>Jeffery</i>	FIRST NAME <i>Green</i>	MIDDLE INITIAL <i>R</i>	BOOKING NUMBER <i>2019000678</i>	
DATE OF BIRTH <i>08/30/1992</i>	RACE <i>W / B / H / O</i>	POD <i>6B</i>	INCIDENT DATE: <i>2-24-2019</i>	TIME: <i>13:30pm</i>
MALE / FEMALE <i>MALE</i>		CELL <i>13</i>		

This Grievance concerns ☒ Inmate Health/Welfare ☐ Jail Personnel
☒ Jail Operations/Services

Have you tried to solve this problem by speaking with a Deputy? ☒ YES ☐ NO

As an inmate in the MCT I have a Right to "A Safe And Secure environment" And to be protected from Abuse, Corporal punishment, And personal injury.

On Feb. 21, 2019, I took my inmate Wristage ("we were horse playing") so that I could get the help mentally I needed ("There was never a real threat to his life") Capt. Sobek, Head Canteen Dittler, and Deputy Inspector Aaron Dobson (instead of using "Crisis Intervention Tech. or Hostage Negotiation") Decided to order a cell entry (w/ no warning) Deputy Dobson (I believe) opened up the cell and I immediately started spraying color spray in mine and Robinson's face. I Release Robinson to try to deter the attack out of our face And I was harassed by Capt. Sobek in the cardinal vector of my skull (It's swollen now and I believe my skull is cracked) and also in my Anterior of my Right Forearm (that was captured by the combative actions of Capt. Sobek) I have "Asthma" and an Neurological defect ("Seizures") that was known to the above 3 Jail personnel, and was never given a inhaler after being sprayed with O/C water. Even after begging that I can't breathe, and was given oxygen And told I still can't breathe. I sustained Nerve damage to my left And Right Wrist, Injuries, Hematoma my Right middle finger. A cut/bruised part has been dug into it us? AS A W/apon to cause harm.

Inmate's Signature: *Jeffery Green* Date / Time Submitted: *2-24-19 13:30pm*

Deputy attempted to resolve problem ☐ YES ☒ NO Deputy's Initials: *TI 229*

If resolved, forward to the Sergeant assigned to the POD for filing. If NOT resolved, complete Part II and attach to grievance. Place in Jail Administration mailbox, prior to end of your shift.

DEPUTY'S GRIEVANCE RESPONSE

FILE NO. _____

PART II

DEPUTY NAME: _____

GRIEVANCE DATE / TIME

INMATE NAME:

INMATE LOCATION:

Deputy's Actions to Resolve Grievance:

Deputy's Disposition of Grievance:

Has Grievance been resolved:

☐ YES

☐ NO

The POD Deputy will log all Inmate Grievances in the POD Logbook that are forwarded to Jail Administration for further action.

Deputy Signature:

BADGE #

DATE / TIME:

FILE NO. _____

PART I

MILWAUKEE COUNTY JAIL

INMATE GRIEVANCE FORM

INSTRUCTIONS: PART I (for the Inmate) PART II: (for the Deputy)

Inmate must state the names of the person(s) involved, when describing the nature of the problem.
Inmate must return the Grievance to the Deputy involved for a response.

LAST NAME	FIRST NAME	MIDDLE INITIAL	BOOKING NUMBER	
JERRY	GLAN	R.	2019000678	
DATE OF BIRTH 08/30/1992	RACE W / B / H / O	POD 40	INCIDENT DATE: Feb. 25-19	TIME: 7:00 AM
MALE / FEMALE		CELL 38		

This Grievance concerns ☒ Inmate Health/Welfare ☒ Jail Personnel
☒ Jail Operations/Services

Have you tried to solve this problem by speaking with a Deputy? ☒ YES ☐ NO

I was informed to write this Grievance, due that I am being denied the statutory right to review my county Jail records under the Wis. Open Records Review Law and state Stat. §19.35

I would like to review my records for incidents, incident reports, video cameras surveillance footage, for the following dates to obtain specific irrefutable evidence for my civil suits.

September 10, 2018. Pertaining to a car Accident that occurred with G.Y.S.

November 26, 2018, or (25, 2018) (both days) for when P.S.W. "Jhon" Deliberately watched me have seizures and did nothing to assist but laughed.

February 21, 2019, when excessive force was used by the MCSO staff that caused great bodily harm including being bled in the skull, Gassed, and having my wrist nerve damaged

Inmate's Signature:

Date / Time Submitted:

Feb. 27, 2019 10:00 AM

Deputy attempted to resolve problem ☐ YES ☐ NO Deputy's Initials: _____

If resolved, forward to the Sergeant assigned to the POD for filing. If NOT resolved, complete Part II and attach to grievance. Place in Jail Administration mailbox, prior to end of your shift.

DEPUTY'S GRIEVANCE RESPONSE

FILE NO. _____

PART II

DEPUTY NAME: _____

GRIEVANCE DATE / TIME

INMATE NAME:

INMATE LOCATION:

Deputy's Actions to Resolve Grievance:

Deputy's Disposition of Grievance:

Has Grievance been resolved:

☐ YES

☐ NO

The POD Deputy will log all Inmate Grievances in the POD Logbook that are forwarded to Jail Administration for further action.

Deputy Signature:

BADGE #

DATE / TIME:

In the United States District Courts
For the Eastern DISTRICT OF WISCONSIN

GLEN R. JEFFERY JR.

- Plaintiff,

Summons

v.

Civil Action No. _____

Capt. Sobek, Deputy Insp. Nelson, Admin. Capt. Dittburner, C.O. Cannon,
C.O. Fernandez-Rosa, C.O. James, C.O. Neal, C.O. Rodriguez, Capt. Thompson,
H. Ehmann, C.O. Johnson, C.O. Kromley, Leo Murry, C.O. Nash, C.O. Sarasin,
C.O. Anderson, C.O. Andrykowski, C.O. Brendenuehl, C.O. Dziedzic, C.O. Trotman,
C.O. Smith, C.O. Turner, R/O Alatorre, R/O Brossow, R/O Bruno, R/O Decker,
R/O Klandermon, R/O Resch, R/O Wysocki;
- Defendant,

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned and required to serve upon
Plaintiffs, whose address is Waupun Correctional Institution, P.O.
Box #351, Waupun, WI 53983-0351, an Answer to the Complaint
which is herewith served upon you, within 20 days after service of
this summons upon you, exclusive of the day of service, or 60 days
if the U.S. Government or officer / Agent thereof is a defendant.
If you fail to do so, judgment by default will be taken against
you for the relief demanded in the complaint.

Clerk of the Court

Date: _____